

to any information maintained as part of the Data Bank and may charge reasonable fees consistent with section 552 of title 5.

(Pub. L. 100-418, title V, § 5412, Aug. 23, 1988, 102 Stat. 1467.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1527a of this title.

### § 4913. Report to Congress

#### (a) Interim report

Not more than 1 year after August 23, 1988, the Secretary after consultation with the Advisory Committee shall submit a report to the Governmental Affairs Committee and the Banking, Housing, and Urban Affairs Committee of the Senate, other appropriate committees of the Senate, and the House of Representatives describing actions taken pursuant to this chapter, particularly—

(1) actions taken to provide the information on services described in section 4908 of this title; and

(2) actions taken to provide State-by-State information as described in section 4906(b)(7) of this title.

#### (b) Final report

Not more than 3 years after August 23, 1988, the Secretary after consultation with the Advisory Committee shall submit a report to the Governmental Affairs Committee and the Banking, Housing, and Urban Affairs Committee of the Senate, other appropriate committees of the Senate, and the House of Representatives—

(1) assessing the current quality and comprehensiveness of, and the ability of the public and of private entities to obtain access to trade data;

(2) describing all other actions taken and planned to be taken pursuant to this chapter;

(3) including comments by the private sector and by State agencies that promote exports on the implementation of the Data Bank;

(4) describing the extent to which the systems within the Data Bank are being used and any recommendations with regard to the operation of the system; and

(5) describing the extent to which United States citizens and firms have access to the data banks of foreign countries that is similar to the access provided to foreign citizens and firms.

(Pub. L. 100-418, title V, § 5413, Aug. 23, 1988, 102 Stat. 1467.)

## CHAPTER 76—IMITATION FIREARMS

Sec.

5001. Penalties for entering into commerce of imitation firearms.

(a) Acts prohibited.

(b) Distinctive marking or device; exception; waiver; adjustments and changes.

(c) “Look-alike firearm” defined.

(d) Study and report.

(e) Technical evaluation of marking systems.

(f) Effective date.

(g) Preemption of State or local laws or ordinances; exceptions.

### § 5001. Penalties for entering into commerce of imitation firearms

#### (a) Acts prohibited

It shall be unlawful for any person to manufacture, enter into commerce, ship, transport, or receive any toy, look-alike, or imitation firearm unless such firearm contains, or has affixed to it, a marking approved by the Secretary of Commerce, as provided in subsection (b) of this section.

#### (b) Distinctive marking or device; exception; waiver; adjustments and changes

(1) Except as provided in paragraph (2) or (3), each toy, look-alike, or imitation firearm shall have as an integral part, permanently affixed, a blaze orange plug inserted in the barrel of such toy, look-alike, or imitation firearm. Such plug shall be recessed no more than 6 millimeters from the muzzle end of the barrel of such firearm.

(2) The Secretary of Commerce may provide for an alternate marking or device for any toy, look-alike, or imitation firearm not capable of being marked as provided in paragraph (1) and may waive the requirement of any such marking or device for any toy, look-alike, or imitation firearm that will only be used in the theatrical, movie or television industry.

(3) The Secretary is authorized to make adjustments and changes in the marking system provided for by this section, after consulting with interested persons.

#### (c) “Look-alike firearm” defined

For purposes of this section, the term “look-alike firearm” means any imitation of any original firearm which was manufactured, designed, and produced since 1898, including and limited to toy guns, water guns, replica nonguns, and air-soft guns firing nonmetallic projectiles. Such term does not include any look-alike, nonfiring, collector replica of an antique firearm developed prior to 1898, or traditional B-B, paint-ball, or pellet-firing air guns that expel a projectile through the force of air pressure.

#### (d) Study and report

The Director of the Bureau of Justice Statistics is authorized and directed to conduct a study of the criminal misuse of toy, look-alike and imitation firearms, including studying police reports of such incidences and shall report on such incidences relative to marked and unmarked firearms.

#### (e)<sup>1</sup> Technical evaluation of marking systems

The Director of<sup>2</sup> National Institute of Justice is authorized and directed to conduct a technical evaluation of the marking systems provided for in subsection (b) of this section to determine their effectiveness in police combat situations. The Director shall begin the study within 3 months after November 5, 1988, and such study shall be completed within 9 months after November 5, 1988.

#### (f) Effective date

This section shall become effective on the date 6 months after November 5, 1988, and shall apply

<sup>1</sup> So in original. Probably should be “(e)”.

<sup>2</sup> So in original. Probably should be “of the”.

to toy, look-alike, and imitation firearms manufactured or entered into commerce after November 5, 1988.

**(g) Preemption of State or local laws or ordinances; exceptions**

The provisions of this section shall supersede any provision of State or local laws or ordinances which provide for markings or identification inconsistent with provisions of this section provided that no State shall—

- (i) prohibit the sale or manufacture of any look-alike, nonfiring, collector replica of an antique firearm developed prior to 1898, or
- (ii) prohibit the sale (other than prohibiting the sale to minors) of traditional B-B, paint ball, or pellet-firing air guns that expel a projectile through the force of air pressure.

(Pub. L. 100-615, § 4, Nov. 5, 1988, 102 Stat. 3190.)

**CHAPTER 77—STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS**

Sec.	
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**CHAPTER REFERRED TO IN OTHER SECTIONS**

This chapter is referred to in title 42 section 13451.

**§ 5101. Findings and purposes**

**(a) Findings**

The Congress finds that—

- (1) maintaining viable domestic steel, aluminum, copper, and other metals industries is vital to the national security and economic well being of the United States; and
- (2) the promotion of technology competitiveness and energy conservation in the American steel and aluminum industries by the Federal Government through a program of joint research and development will help maintain viable domestic steel and aluminum industries.

**(b) Purposes**

The purposes of this chapter are to—

- (1) increase the energy efficiency and enhance the competitiveness of American steel,

aluminum, and copper industries by providing Federal incentives for the establishment of public-private sector research and development partnerships to undertake scientific research and development to develop advanced technologies utilizing the expertise of the steel, aluminum, copper, and other metals industries, Government-owned laboratories of the Department of Energy and the National Institute of Standards and Technology, universities, State development agencies, and others; and

- (2) continue steel research and development initiative efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled “Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes”, approved December 19, 1985 (Public Law 99-190).

(Pub. L. 100-680, § 2, Nov. 17, 1988, 102 Stat. 4073.)

**REFERENCES IN TEXT**

Title II of the Interior and Related Agencies portion of the joint resolution entitled “Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes”, approved December 19, 1985 (Public Law 99-190), referred to in subsec. (b)(2), is Pub. L. 99-190, § 101(d) [title II], Dec. 19, 1985, 99 Stat. 1224, 1244. The provisions relating to steel research and development are not classified to the Code.

**SHORT TITLE**

Section 1 of Pub. L. 100-680 provided that: “This Act [enacting this chapter] may be cited as the ‘Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988’.”

**§ 5102. Definitions**

As used in this chapter—

- (1) the term “Secretary” means the Secretary of Energy;
- (2) the term “domestic company” means a company which is substantially involved in the United States domestic production, processing, or use of steel, aluminum, copper, or other metals and has a substantial percentage of its operations located within the United States;
- (3) the terms “management plan” and “plan” mean the Steel Initiative Management Plan issued on April 1, 1987, by the Department of Energy, which establishes the management framework for the steel research and development initiative, and updates to that plan; and
- (4) the term “research plan” means the Steel Initiative Research Plan issued in April 1988 by the Department of Energy, and updates to that plan.

(Pub. L. 100-680, § 3, Nov. 17, 1988, 102 Stat. 4073.)

**§ 5103. Establishment of scientific research and development program to develop competitive manufacturing technologies and increase energy efficiency in steel and aluminum industries**

**(a) General authority**

The Secretary, pursuant to the authority provided under provisions of the Federal Non-